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No. 84-1405

IN THE

Supreme Court of the United States

OCTOBER TERM, 1984

RANDALL GHIBAUDY,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 609604

November 9, 1984

BEFORE

Hon. WILLIAM J. BAUER, Circuit Judge

Hon. RICHARD D. CUDAHY, Circuit Judge

Hon. JOHN MINOR WISDOM, Sr. Circuit Judge*

IN THE MATTER OF: GRAND JURY PROCEEDINGS OF AUGUST, 1984, IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS, SPRINGFIELD DIVISION.	Appeal from the U.S. District Court for the Central District of Illinois, Springfield Division
No. 84 - 2492	84 M 97 & 84 M 98
APPEAL OF: RANDALL GHIBAUDY	J. Waldo Ackerman, - Judge.

ORDER

Randall Ghibaudy appeals his incarceration for civil contempt and moves for release pending appeal pursuant to 28 U.S.C. §1826. Ghibaudy was found in contempt and incarcerated on August 23, 1984, by the Honorable J. Waldo Ackerman of the Central District of Illinois. Ghibaudy filed his notice of appeal on August 27, 1984. However, he did not file his brief or motion for release pending appeal until October 10, 1984. Oral argument was heard this day on

Mr. Ghibaudy's appeal. Section 1826(b) requires that appeals concerning civil contempt be decided within 30 days. Pursuant to that statute and our prior practice, see In re Bonk, 527 F.2d 120 (7th Cir. 1975), we hereby decide this appeal. The order of contempt and incarceration is AFFIRMED. The motion for release is DENIED.

An order or opinion explaining our reasoning will be issued as soon as practicable.

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* Honorable John Minor Wisdom, Sr. Circuit Judge of the Fifth Circuit, sitting by designation.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

IN RE:)
) MISC. NO. _____
(AUGUST 1984 GRAND JURY)

CIVIL CONTEMPT ORDER

This matter having come upon the Government's Petition for Civil Contempt Order against Randall Ghibaudy and this Court having heard argument by both parties herein, does find as follows:

1. That the August 1984 Grand Jury is a duly empaneled federal grand jury sitting in and for the Central District of Illinois, Springfield, Illinois.

2. That said grand jury is currently conducting an investigation about which Randall Ghibaudy may have material information.

3. That on July 17, 1984 Judge Harold Baker entered an order, pursuant to Title 18, United States Code, Section 6002 directing Randall Ghibaudy to appear before the

August 1984 grand jury for the Central District of Illinois and to answer questions and provide information concerning the grand jury's investigation into possible violations of federal laws by person involved in the distribution of controlled substances within the Central District of Illinois. This Court's order further granted Randall Ghibaudy full statutory use immunity for such testimony.

4. That on August 23, 1984 Randall Ghibaudy appeared before said grand jury but refused to answer any questions.

5. That Randall Ghibaudy's refusal to answer such questions is in violation of the order of July 17, 1984 and such refusal constitutes contemptuous conduct.

6. That incarceration of Randall Ghibaudy is necessary to encourage and coerce compliance with said order by Randall Ghibaudy.

WHEREFORE IT IS HEREBY ORDERED, pursuant to Title 28 United States Code, Section 1826:

1. That the respondent Randall Ghibaudy is remanded to the custody of the United States Marshal's, Central District of Illinois and shall remain incarcerated until the respondent fully complies with the order of July 17, 1984, by appearing before said grand jury and answering all questions or until the August 1984 grand jury expires, whichever occurs first, but in no event shall the respondent serve more than eighteen (18) months incarceration as a result of this Civil Contempt Order.

J. WALDO ACKERMAN
CHIEF U.S. DISTRICT JUDGE

ENTERED: This ____ day of August, 1984